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Applicants assert the rejection is improper because none of the cited references disclose or suggest a method or apparatus including a mobile station capable of communicating through both a wireless connection and a wired connection for switching an ongoing communication between a wireless connection and a wired connection, as recited in independent claim 1 and similarly recited in independent claims 4, 8, and 12.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure (MPEP 2142). The prior art must suggest the desirability of the claimed invention (MPEP 2143.01).

Gerszberg et al. discloses a device for enabling a user to select between at least two telecommunication service providers using the user's existing telecommunications wiring. The device includes a wireless interface circuit adapted for coupling one or more antennas which are used for transmitting signals to and receiving signals from a wireless service provider and a switching circuit for selectively coupling a first telecommunication device between a wireline service provider and the wireless interface circuit is provided in the device. The device further includes a controller circuit which enables the switching circuit automatically in response to an incoming call and on command to select either the wireline service provider or the wireless interface circuit (col. 2, lines 15-28).

Gerszberg et al. does not disclose a mobile station capable of communicating through both a wireless connection and a wired connection. In particular, Gerszberg et al. expressly illustrates the mobile station 34 requires the dual-mode network access point 10 to communicate using both the wireline service provider 36 and the wireless interface circuit 20. Thus, the mobile station 34 is not capable of communicating through both a wireless connection and a wired connection. There is absolutely not disclosure of such a capability.

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Furthermore, Gerszberg et al. does not disclose switching an ongoing communication between a wireless connection and a wired connection. In particular, Gerszberg et al. only discloses the switching circuit 12 can select between the wireline service provider 36 and the wireless interface circuit 20 (col. 4, lines 1-3). This does not support the switching of an ongoing communication. In particular, Gerszberg et al. expressly discloses the dual-mode network access point 10 selects between the wireline service provider 36 and the wireless interface circuit 20 when the user makes an outgoing call (col. 4, lines 4-7), not during an ongoing communication. The fact that the dual-mode network access point 10 cannot switch an ongoing call is further supported by the fact that the dual-mode network access point 10 must wait until a call is completed to switch between the wireline and the wireless interface (see col. 4, lines 40-43 and lines 49-54). The fact that the dual-mode network access point 10 cannot switch an ongoing communication is additionally supported by the fact that the dual-mode network access point 10 cannot switch between service providers during a call (see col. 4, lines 55-58).

Thus, Gerszberg et al. does not disclose or suggest a method or apparatus including a mobile station capable of communicating through both a wireless connection and a wired connection for switching an ongoing communication between a wireless connection and a wired connection.

Johnson et al. discloses a method and apparatus for transmitting and receiving information in a truncated time slot. When transmitting, the communication device generates user information symbols and positions the symbols in a first portion of the time slot. The first portion of the time slot occupies less time than the time slot. The communication device then transmits during the first portion of the time slot only, to produce a truncated time slot. When receiving, a communication device decodes and then encodes a received time slot, presuming the received time slot is not a truncated time slot. The communication device determines an error metric for the encoded time slot and, based on the error metric, determines whether the encoded time slot is a truncated time slot. When the encoded time slot is a truncated time slot, the communication device processes the user information symbols in the received time slot (col. 2, lines 40-56).

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Gray discloses a PBX-based integrated telecommunications system comprising: a wired subsystem comprising wired links for establishing communication with wired terminals connected thereto; a wireless subsystem comprising a group of base stations, formed for communicating over wireless links to mobile terminals; a common central switch for establishing interconnections between selected communications channels and connected to said wired terminals and said base stations; a switching controller connected to said central switch for controlling the establishment of interconnections between selected communications channels in said system; a common group controller connected to said base stations through said central switch for exchanging control packets over a data link layer with said mobile terminals through said base stations to control said mobile terminals and thereby provide message-based mobility management of said wireless subsystem independently of said switching controller; and said base stations acting as multiplexers and forming a transparent encapsulation bridge connecting said data link layer between the mobile terminals and said group controller to permit the change of said control messages therebetween, said group controller further comprising means for sending and receiving control packets over said wireless links, means for monitoring the operation of each channel in said wireless links responsive to received control packets, and means for generating control packets for transmission over said wireless subsystem to control the operation thereof (col. 3, lines 8-35).

Johnson et al. and Gray fail to make up for the deficiencies of Gerszberg et al. and such is not asserted by the Office Action.

Thus, none of the cited references disclose or suggest a method or apparatus including a mobile station capable of communicating through both a wireless connection and a wired connection for switching an ongoing communication between a wireless connection and a wired connection, as recited in independent claim 1 and similarly recited in independent claims 4, 8, and 12.

Therefore, Applicants respectfully submit that independent claims 1, 4, 8, and 12 define patentable subject matter. The remaining claims depend from the independent claims and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103.

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CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to deduct any fees arising as a result of this Amendment or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,



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